

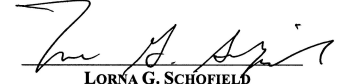
August 17, 2023

Application DENIED without prejudice to renewal. By **August 29, 2023**, Mitchell and J.D. Power may file a letter renewing the request to seal, with an explanation of the basis for the request that is sufficient under Second Circuit case law. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 280. The Clerk of Court is respectfully directed to maintain all currently sealed documents under seal pending possible renewed motions to seal by the parties.

**Via ECF**

The Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1950  
New York, NY 10007

Dated: **August 21, 2023**  
**New York, New York**



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

**Re: *Volino, et. al. v. Progressive Casualty Ins. Co., et al.*, No. 1:21-cv-06243-LGS**

Dear Judge Schofield:

Pursuant to Rule I.D.3 of the Court's Individual Rules of Practice, and the Stipulated Protective Order entered on October 21, 2021, (ECF No. 45), as amended on January 25, 2022 (ECF No. 77), Plaintiffs respectfully request leave to file under seal Plaintiffs' Reply in Support of Their Motion for Partial Summary Judgment (the "Reply"). The Reply references and discusses information that Progressive and third parties Mitchell International, Inc. ("Mitchell") and J.D. Power have designated as confidential or highly confidential.

Pursuant to Rule I.D.3, and paragraph ten of the Stipulated Protective Order, a redacted copy of the Reply will be publicly filed contemporaneously with this letter, along with an unredacted copy of these materials. For materials that are not intended to be maintained entirely under seal, Plaintiffs will highlight the portions that are redacted on the public record.

Plaintiffs are filing these materials under seal to comply with the Orders of this Court. Doing so does not reflect Plaintiffs' position on whether those designations should stand under Second Circuit law, as the sealed materials are pertinent to carrying out the judicial function.

Counsel for Plaintiffs conferred with counsel for Mitchell and J.D. Power who agreed that their confidential documents and information should be filed under seal.

Respectfully submitted,



Lee Lowther

cc: All Counsel of Record via ECF

## APPENDIX 1

Pursuant to Rule I.D(3), the following attorneys of record should have access to the sealed letter-motion requesting a premotion conference on Plaintiffs' Reply in Support of Their Motion for Partial Summary Judgment:

Counsel for Plaintiffs	Counsel for Defendants
<p>Edmund A. Normand (<i>Pro Hac Vice</i>)  Jacob L. Phillips (<i>Pro Hac Vice</i>)  <b>NORMAND PLLC</b>  3165 McCrory Place, Suite 175  Orlando, FL 32803  Telephone: (407) 603-6031  Email: <a href="mailto:ed@normandpllc.com">ed@normandpllc.com</a>  Email: <a href="mailto:jacob.phillips@normandpllc.com">jacob.phillips@normandpllc.com</a></p> <p>Hank Bates (<i>Pro Hac Vice</i>)  Tiffany Wyatt Oldham (<i>Pro Hac Vice</i>)  Lee Lowther (<i>Pro Hac Vice</i>)  <b>CARNEY BATES &amp; PULLIAM, PLLC</b>  519 W. 7th Street  Little Rock, AR 72201  Telephone: (501) 312-8500  Email: <a href="mailto:hbates@cbplaw.com">hbates@cbplaw.com</a>  Email: <a href="mailto:toldham@cbplaw.com">toldham@cbplaw.com</a>  Email: <a href="mailto:llother@cbplaw.com">llother@cbplaw.com</a></p> <p>Andrew J. Shamis (NY #5195185)  Mariam Grigorian (<i>Pro Hac Vice</i>)  <b>SHAMIS &amp; GENTILE, P.A.</b>  14 NE 1st Avenue, Suite 705  Miami, FL 33132  Telephone: (305) 479-2299  Email: <a href="mailto:ashamis@shamisgentile.com">ashamis@shamisgentile.com</a>  Email: <a href="mailto:mgrigorian@shamisgentile.com">mgrigorian@shamisgentile.com</a></p> <p>Scott Edelsberg (<i>Pro Hac Vice</i>)  Christopher Gold (<i>Pro Hac Vice</i>)  <b>EDELSBERG LAW, P.A.</b>  20900 NE 30th Avenue, Suite 417  Aventura, FL 33180  Telephone: (305) 975-3320  Email: <a href="mailto:scott@edelsberglaw.com">scott@edelsberglaw.com</a>  Email: <a href="mailto:chris@edelsberglaw.com">chris@edelsberglaw.com</a></p>	<p>Laura Elizabeth Harris  <b>KING &amp; SPALDING LLP</b>  1185 Avenue of the Americas  New York, NY 10036  Telephone: (212) 790-5360  Fax: (212) 556-2222  Email: <a href="mailto:lharris@kslaw.com">lharris@kslaw.com</a></p> <p>Jeffrey Cashdan (<i>Pro Hac Vice</i>)  Allison Hill White (<i>Pro Hac Vice</i>)  James Matthew Brigman (<i>Pro Hac Vice</i>)  Zachary Andrew McEntyre (<i>Pro Hac Vice</i>)  <b>KING &amp; SPALDING LLP</b>  1180 Peachtree Street NE, Suite 1600  Atlanta, GA 30309  Telephone: (404) 572-5600  Email: <a href="mailto:jcashdan@kslaw.com">jcashdan@kslaw.com</a>  Email: <a href="mailto:awhite@kslaw.com">awhite@kslaw.com</a>  Email: <a href="mailto:mbrigman@kslaw.com">mbrigman@kslaw.com</a>  Email: <a href="mailto:zmcentyre@kslaw.com">zmcentyre@kslaw.com</a></p> <p>Julia Constance Barrett (<i>Pro Hac Vice</i>)  <b>KING &amp; SPALDING LLP</b>  500 W. 2nd Street, Suite 1800  Austin, TX 78701  Telephone: (512) 457-2053  Email: <a href="mailto:jbarrett@kslaw.com">jbarrett@kslaw.com</a></p>

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